

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

Criminal No. 2:01cr1

TROY H. ARBOGAST,
Defendant.

ORDER/OPINION

On the 11th day of April 2006, came the defendant, Troy H. Arbogast, in person and by his counsel, Brian J. Kornbrath, and also came the United States by its Assistant United States Attorney, Stephen D. Warner, pursuant to a Petition for Warrant or Summons for Offender Under Supervision filed on March 30, 2006, alleging Defendant:

- 1) Violated the Mandatory Condition that while on supervised release, he not commit another Federal, State or local crime;
- 2) Violated the Mandatory Condition that he not illegally possess a controlled substance; and
- 3) Violated Standard Condition # 7 that he refrain from excessive use of alcohol and not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

Prior to the taking of evidence, counsel for Defendant waived the preliminary hearing, conceding probable cause existed to forward this revocation matter to United States District Judge Robert E. Maxwell for hearing and disposition.

Upon consideration of all which, the Court finds there is probable cause to believe that the

defendant violated the conditions of his supervised release as alleged in the Petition for Warrant or Summons for Offender Under Supervision filed March 30, 2006.

It is therefore **ORDERED** that the defendant be bound over for a full hearing before the Honorable Robert E. Maxwell, United States District Judge for the Northern District of West Virginia on the violations alleged in the Petition for Warrant or Summons for Offender Under Supervision filed March 30, 2006.

The clerk of the court is directed to send a copy of this order to counsel of record.

DATED: April **12**, 2006.

A handwritten signature in black ink, appearing to read "John S. Kaull", with a long horizontal flourish extending to the right.

JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE